

The Department of Community Development

City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: May 24, 2006
Re: **REZONING – Federal Hill Historic District, R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential**

I. PETITIONER

City of Lynchburg Planning Commission

Representative: Tom Martin, AICP, City Planner, Planning Division, 900 Church Street, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of approximately twenty-three and seven tenths (23.7) acres located in and adjacent to the Federal Hill Historic District.

Property Owner: A list of property owners and parcel identification numbers is included as Attachment 4.

III. PURPOSE

The purpose of this petition is to rezone the Federal Hill Historic District and other adjacent properties from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends Traditional Residential uses for this neighborhood.
- Petition agrees with the Zoning Ordinance in that an R-2, Low-Medium Density, Single-Family Residential District, better represents the evolving character of the neighborhood.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Traditional Residential uses for the Federal Hill Historic District and surrounding area. The Traditional Residential designation is applied to the City's older neighborhoods; those "generally built before World War II and before the City was zoned. Because they predate the City's Zoning Ordinance, the lot sizes, setbacks, and/or building heights do not conform to the standards of the City's residential zoning districts." (page 5.6) Areas designated Traditional Residential may eventually be subject to different zoning regulations than the standard suburban-style developments in other parts of the City. The *Comprehensive Plan* recommends adopting a "Traditional Neighborhood" overlay or zoning district to regulate these areas and encourage appropriate infill development.

The *Comprehensive Plan* also recognizes, Federal Hill as a Neighborhood Conservation Area. These areas face challenges of reinvestment and rehabilitation. “Some homes are very large wood structures over 3,000 square feet in size. The cost of rehabilitating and maintaining these large homes may deter some potential home buyers and investors. Other houses are very small, less than 1,000 square feet, and not as attractive to families as larger suburban homes. Conversion of some homes in Neighborhood Conservation Areas to rental units has resulted in their gradual deterioration. Citizens in public meetings have expressed concerns about the negative effects poorly maintained, deteriorating, vacant and abandoned homes within their neighborhoods... Maintaining the existing housing stock and encouraging public and private investment that supports neighborhood character is critical to neighborhood stabilization.”

(page 4.17)

The Comprehensive Plan also recognizes that the Federal Hill area has been designated as a local, state and federal historic district.

These designations in the *Comprehensive Plan* – Traditional Residential, Neighborhood Conservation Area and Historic District – support the rezoning of the Federal Hill area in order to support the continued investment in and rehabilitation of single-family homes, to preserve the character of the neighborhood and to maintain property values.

2. **Zoning.** The subject properties have been zoned for multi-family uses since 1930. The current R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District were established in 1978 with the adoption of the City’s current Zoning Ordinance. Despite the multi-family and commercial zoning, ninety-four percent (94%) of the structures have single-family land uses.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

1/11/83, City Council approved the CUP petition of United Methodist Church for a fellowship hall at 900 Jackson Street.

4/12/88, City Council approved the CUP of Eighth Street Baptist Church for a forty (40) space parking lot at Federal and Eighth Streets.

9/12/89, City Council approved the CUP petition of the City of Lynchburg for the College Hill Recreation Center at 809-811 Jackson Street.

4/10/90, City Council approved the CUP petition of W. L. Saunders for a bed and breakfast at 1101 Jackson Street.

8/14/91, City Council approved the CUP petitions of Craddock-Terry, Inc. for parking lots at 1001-1017 Madison Street and 1118-1120 Harrison Street.

5/13/92, City Council approved the CUP petition of Thomas D. Hughes for a bed and breakfast at 1102 Harrison Street.

11/08/94, City Council approved the CUP petition of Philip and Ann Ripley for a bed and breakfast at 1101 Federal Street.

2/13/01, City Council approved the CUP petition of Trudi and Dennis Malik for a bed and breakfast at 1115 Federal Street.

4/09/02, City Council approved the CUP petition of Lynchburg Community Action Group for a single-family dwelling at 1118 Polk Street.

5. **Site Description.** The subject property includes the existing Federal Hill Historic District, four (4) properties (1114-1115 Jackson Street and 1115, 1118 Federal Street) adjacent to the southern boundary of the Historic District and one (1) property (809 Harrison Street) that is located at the northeastern boundary of the Historic District. The four (4) properties located at the southern boundary are adjacent to Twelfth Street but are isolated from it due to steep topography. The one (1) property located at 809 Harrison Street has been included in the rezoning at the request of the property owner.
6. **Proposed Use of Property.** The purpose of the rezoning is to allow continued use of residences as single-family homes and prevent further conversion of the existing historic structures into two-family dwellings. Any residing property owner wishing to add a second dwelling unit would be able to do so provided the presence of the second unit was not obvious from the exterior of the residence. Existing two-family and apartment units would be allowed to remain as “nonconforming” uses. However these uses would not be allowed to be enlarged or expanded.
7. **Traffic and Parking.** The City’s Traffic Engineer had no comments of concern regarding the petition. Rezoning
8. **Storm Water Management.** N/A
9. **Emergency Services.** The City’s Fire Marshal had no comments on the rezoning petition.

The City Police Department had no concerns with the proposed rezoning. The Police Department is supportive of encouraging home ownership in the City’s neighborhoods.

Impact. The petition proposes to rezone the Federal Hill Historic District and select adjacent properties in order to create an environment that supports the pattern of owner-occupied, single-family residences that has remained throughout the years. As indicated in the City’s *Comprehensive Plan*, the City supports improvements to the housing stock in this neighborhood because Federal Hill is a Historic District, is indicated as a Traditional Residential Area and is designated as a Neighborhood Conservation Area. The goal is to stabilize the area for the benefit of the property owners and the City. The existing zoning in the area is not supportive of the *Comprehensive Plan* or the vast majority of housing types existing in the area. Therefore, as outlined in the *Comprehensive Plan*, it is time to reconsider the zoning districts applied to this neighborhood.

The four (4) properties adjacent to the southern boundary of the Historic District have been included due to their isolation from Twelfth Street due to steep topography. A portion of one (1) is currently located within the boundaries of the Historic District. It would not be good zoning or planning practice to allow these properties to remain zoned for commercial and two-family uses since the only means of access is thru the Federal Hill Historic District. The one (1) property located at 809 Harrison Street has been included at the request of the property owner.

Federal Hill was designated a Local Historic District in 1978 and is also included on the State and National Register of Historic Places. Ninety-Four percent (94%) of the structures located in the rezoning area are currently being used for single-family uses.

The Federal Hill Historic District Association conducted a neighborhood meeting on April 10, 2006. City Staff was in attendance at the meeting and answered questions relating to the rezoning. Representatives from the neighborhood addressed the Planning Commission on April

26, 2006. At this meeting the Planning Commission directed City Staff to initiate proceedings necessary to rezone the area.

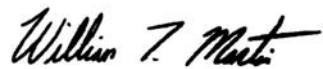
Under Virginia law, in order to justify a downzoning, there must have been a substantial change in circumstances since the previous zoning. City Staff is in the opinion that there has been substantial change in the circumstances since the previous zoning. Historically, the number of dwelling units that has been allowed in the Federal Hill Historic District has gradually decreased. For example in 1960 the area was zoned for multi-family uses; then in 1978 the majority of the properties were changed to two-family. Despite the multi-family and two-family zoning applied to the properties, the area has developed and remained with single-family uses as the majority. In order to achieve the goals of the *Comprehensive Plan* and to prevent any future destabilization of the neighborhood, the Planning Division recommends rezoning the area to R-2, Low-Medium Density, Single-Family Residential District.

10. **Technical Review Committee.** N/A

VI. PLANNING DIVISION RECOMMEND MOTION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the rezoning of the Federal Hill Historic District and properties located at 1114-1115 Jackson Street, 1115, 1118 Federal Street and 809 Harrison Street from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District to support the goals and objectives of the Comprehensive Plan and to allow the continued use of the residential properties as single-family homes.

This matter is respectfully offered for your consideration.

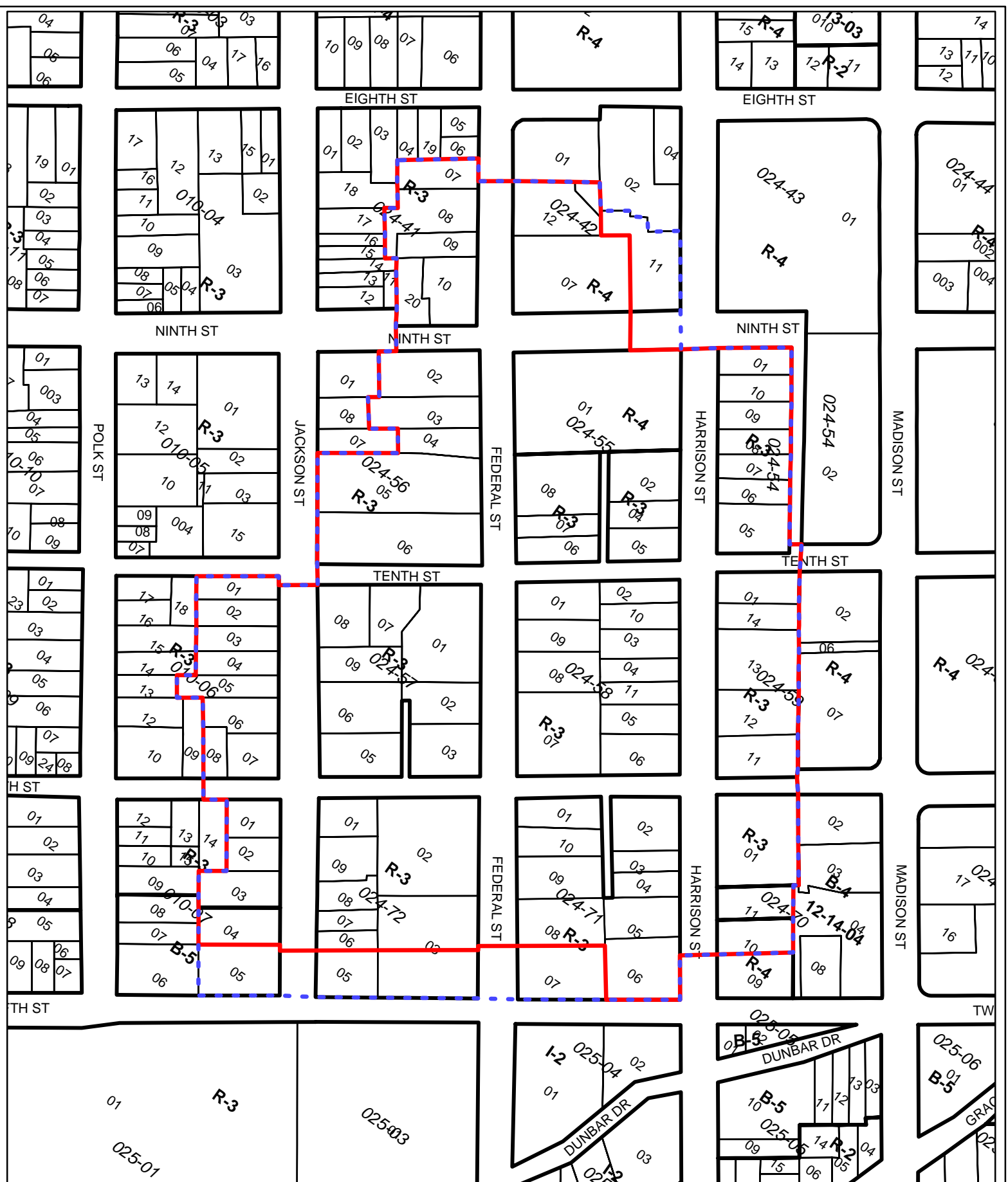


William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Capt. Michael L. Thomas, Fire Marshal
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Neil W. Bohnert, Federal Hill Historic District Association

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Rezoning Area**
(see attached map)
- 4. Property Owners**
(see attached owners)
- 5. Supporting Documents submitted by FHHDA**
(see attached documents)



Legend

- Rezoning Area
- Federal Hill Historic District

Federal Hill Historic District Rezoning R-3, R-4 & B-5 to R-2



Scale 1 in. = 200 ft.